

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: CHANGE HEALTHCARE, INC.
CUSTOMER DATA SECURITY
BREACH LITIGATION

MDL No. 24-3108 (DWF/DJF)

This Document Relates to All Actions

**PRETRIAL ORDER NO. 2
(Agenda for September 17, 2024
Status Conference)**

The Judicial Panel on Multidistrict Litigation has transferred actions in the above-captioned matter to this Court for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407 as part of a nationwide litigation involving Change Healthcare, Inc. Customer Data Security Breach Litigation. In Pretrial Order No. 1, filed on August 14, 2024 (Doc. No. 54), the Court set a Status Conference for Tuesday, September 17, 2024 (“September 17 Status Conference”), at 8:30 a.m., in Courtroom 7C, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota. At that time, the Court indicated its intention to file a subsequent order setting forth an agenda and procedure for the initial Status Conference. Pursuant to this Court’s jurisdiction and the prior orders of this Court in this matter, the Court hereby enters the following order setting forth the agenda for the September 17, 2024 Status Conference which should be read in the context of the Court’s Pretrial Order No. 1, filed on August 14, 2024.

1. Introductions
2. The Court’s objectives: Early Case management

3. Status of Cases at JPML – Number and status of cases transferred into the MDL/Master Service List
4. Cooperation among counsel (counsel for Plaintiffs and Defendants have conferred on several items and anticipate conferral as required on a going forward basis)
5. Protocol for appropriate contact with the Court
6. Selection of Plaintiffs’ Lead and Liaison Counsel, including Plaintiffs’ leadership structure and a Steering Committee

In addition to what has been referred to as the Majority Plaintiffs’ Motion for Appointment of Lead Counsel, the Court has received 14 additional individual applications for a role in the Plaintiffs’ Leadership Counsel Structure. In those applications, the respective counsel have recommended a leadership structure addressing the customary issues in multidistrict litigation including Lead Counsel, a Lead Counsel Committee (LCC), Liaison Counsel, and a Steering Committee. This issue will be discussed as an agenda item, as noted, with the goal of reaching a consensus. However, in the event a consensus is not reached and approved by the Court between the respective counsel who have petitioned for leadership positions and recommended a leadership structure, the Court will establish an accelerated application procedure and take an active role in selecting counsel.

The Court contemplates that respective counsel involved in each of the applications the Court has received will meet and confer prior to the September 17, 2024 Status Conference.

7. Deadline To File Amended Complaint(s)

8. The Court wants to discuss the efforts that the parties have made and the communications that have occurred, in addition to the Court’s Pretrial Order No. 1, to coordinate issues including, but not limited to, the Scheduling Process (Meet and Confer on Scheduling, Motion Hearings, including Motions to Dismiss, Briefing Deadlines, Discovery, ESI Protocol and Protective Order, Trial Date).

9. Early Settlement Mediation

10. Procedural Status of State Cases

a. *Mid-South Imaging & Therapeutics, P.A. v. Change Healthcare Inc. et al.*, No. 24-0723-III (Tenn. Ch. Ct., filed Jun. 21, 2024) (“Mid-South”)

b. *Eye Care Associates of Morristown, Inc. v. Change Healthcare Inc.*, No. 24-cv-00048 (Circuit Court of Hamblen County, TN, filed Apr. 18, 2024)

c. Other State Cases

11. Official Court Website: <https://www.mnd.uscourts.gov/content/change-healthcare-inc-data-breach>.

It is anticipated that, through this website, the parties may access, as may be established, court orders, court minutes, a court calendar, a master service list, frequently asked questions, court transcripts, and information as to Plaintiffs’ Lead Counsel Committee and Liaison Counsel, as well as Defendants’ Lead and Liaison Counsel, once they are established. Importantly, once Plaintiffs’ Lead Counsel Committee and Liaison Counsel and Defendants’ Lead and Liaison Counsel are selected, they shall confer with the Court regarding the content of the website.

12. Status conferences

The Court will convene Status Conferences in its discretion.

Status Conferences shall be regularly scheduled by the Court to permit substantial advance notice to all parties. Except as otherwise provided herein, and to accommodate the schedules of the Court and the parties, all arguments or hearings on any motion will be scheduled to coincide with calendared Status Conferences. Any hearing or oral argument deemed necessary by the Court on motions that require a ruling on an expedited basis will be scheduled with notice of at least five business days. If circumstances warrant, the Court may shorten a notice period.

The next Status Conference is scheduled for November 21, 2024, at 10:00 a.m., in Courtroom 7C, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota. For future Status Conferences, counsel for each side shall meet and confer in advance of the Status Conference and provide the Court, within four business days before each Status Conference, an agreed upon Agenda and Status Conference report, and provide a brief—one or two paragraph—summary of the party's positions as to any disputed issues. The Agenda and Status Conference report shall be submitted to the chambers e-mail box at frank_chambers@mnd.uscourts.gov.

Further, unless otherwise ordered herein, it shall be the intent of the Court to meet in chambers with lead counsel for Plaintiffs and lead counsel for Defendants 45 minutes before each Status Conference.

Beginning in January 2025, unless otherwise ordered by this Court, Status Conferences shall be held on the **third Thursday** of each month at 10:00 a.m. in

Courtroom 7C, Warren E. Burger Federal Building and United States Courthouse, 316
North Robert Street, St. Paul, Minnesota.

13. Plaintiffs' initial disclosures
14. Scheduling recommendations, including discovery recommendations as well as case management recommendations that will promote the efficient administration of this case

As soon as Lead Counsel and Liaison Counsel are established and the appropriate leadership structures are established for Plaintiffs and Defendants, the Court will address discovery guidelines, including deposition protocol and guidelines, as well as drafting a Plaintiffs' Fact Sheet.

15. Use of audio or video conferences
16. Concluding remarks

The Court DIRECTS the Clerk to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation, and counsel of record.

Dated: September 13, 2024

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge